
	LOS LUNAS POLICE DEPARTMENT	
	ADMINISTRATION	NUMBER: ADM.29.01
	EFFECTIVE DATE: July 2, 2010	
	REVIEW DATE: July 10, 2015	
SUBJECT: Harassment/ Sexual Harassment		
AMENDS/ SUPERSEDES:		NMSA:
NMMLEPSC STANDARDS:		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature

NOTE:

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: Discrimination, Sexual harassment, hostile work environment, quid pro quo harassment

I. Policy:

The Department's policy is to provide a professional businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct either verbal or physical. Note that the conduct is measured against what an objective, reasonable man or woman (depending on the sex of the complainant) perceives as harassing behavior. The harassment may involve a man against a woman, a woman against a man, or a person against another person of the same sex. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Sexual harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

II. Purpose:

To define and give examples of sexual harassment, outline prohibited behavior, and describe reporting procedures.

III. Definitions:

- A. Sexual harassment: The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Harassment defined below. The two forms of harassment may overlap.
- B. Quid pro quo harassment: Occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. Quid pro quo means "something for something". This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).
 - 1. Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status, granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate. Unwanted, intentional touching, patting, massaging, rubbing, hugging, pinching, telephoning or following an employee during work hours and either harassing the employee or requesting sexual favors.
- C. Hostile work environment harassment: is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

1. A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendo's intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where women employees will find them; unwelcome demeaning comments (such talking about physical attributes), ridicule, offensive language, propositions or other similar actions. Unwanted, unwarranted, unsolicited off duty telephone calls and contact; signed or anonymous notes or drawings, placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers or vice versa and subjecting them to demeaning or derogatory remarks.

IV. Prohibited Conduct:

- A. The department considers romantic relationships between supervisors and subordinates non-consensual. The department may transfer or discipline one or both participants based on operational considerations.
- B. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted nor kept in any work area.
- C. Supervisors shall order employees on department premises who are making sexually hostile comments, put downs or degrading remarks about other persons of the same or opposite sex to cease on pain of discipline.
- D. Employees shall avoid physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited on department premises.
- E. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. Procedures:

- A. An employee who believes he or she has been sexually harassed should first tell the offender to cease the

inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee shall submit a memorandum to the chief of Police through the chain of command detailing circumstances. If a supervisor learns of an incident of harassment, he or she shall investigate the matter even if the victim did not submit a complaint.

1. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order.
 2. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (30-3A-3) and battery (30-3-4) shall be handled immediately as criminal investigations.
 3. If the sexual harassment allegations is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.
- B. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Chief of Police shall immediately take action to limit the concerned employees from further work contact.
 2. The Chief of Police shall conduct or cause to be conducted an investigation.
 3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.
- C. If the situation warrants, the Chief of Police shall report such allegations to the Village Administrator/Mayor without delay.
- D. If the allegation involves the Chief of Police or similar senior official, the complainant shall present the allegation without delay to the Village Administrator/Mayor or city attorney.